

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

THE ENVIRONMENTAL PROTECTION AGENCY

Coastal Nonpoint Pollution Control Program: Final Decision Finding that Oregon has Failed to Submit an Approvable Coastal Nonpoint Pollution Control Program.

AGENCY: National Oceanic and Atmospheric Administration, U.S. Department of Commerce, and the U.S. Environmental Protection Agency.

ACTION: Notice of Final Decision Finding that Oregon has Failed to Submit an Approvable Coastal Nonpoint Program.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) and the U.S. Environmental Protection Agency (EPA) announce the federal agencies' final decision finding that Oregon has failed to submit an approvable Coastal Nonpoint Pollution Control Program. Prior to making this determination, NOAA and EPA invited public input on the federal agencies' proposed decision and reasoning for such a decision (See December 20, 2013, Federal Register Notice 78 FR 77104). The federal agencies also announce their response to the comments received regarding the proposed decision. The Coastal Zone Act Reauthorization Amendments (CZARA) directs states and territories with coastal zone management programs previously approved under Section 306 of the Coastal Zone Management Act to develop and implement coastal nonpoint

programs, which must be submitted to NOAA and EPA for approval. Now that the federal agencies have found that Oregon has failed to submit an approvable coastal nonpoint program, NOAA and EPA must withhold a portion of funding the agencies award to the state under Section 306 of the Coastal Zone Management Act and Section 319 of the Clean Water Act, respectively.

FOR FURTHER INFORMATION CONTACT: Allison Castellan, Stewardship Division, (N/ORM3), Office for Coastal Management, NOS, NOAA, 1305 East-West Highway, Silver Spring, Maryland, 20910, phone (301) 713-3155, x125, email Allison.Castellan@noaa.gov.

(Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration)

SUPPLEMENTARY INFORMATION: NOAA and EPA (federal agencies) find that Oregon has failed to submit an approvable coastal nonpoint program. Section 6217(a) of the Coastal Zone Act Reauthorization Amendments (CZARA), 16 U.S.C. section 1455b(a), requires that each state (or territory) with a coastal zone management program previously approved under section 306 of the Coastal Zone Management Act must prepare and submit to the federal agencies a coastal nonpoint pollution control program (coastal nonpoint program) for approval. Coastal nonpoint pollution control programs were to be submitted for approval by July 1995. Oregon submitted its program to the federal agencies for approval. The federal agencies provided public notice of and invited public comment on their proposal to approve, with conditions, the Oregon program (62 FR 6216). The federal agencies approved the program by letter dated January 13, 1998, subject to the conditions specified in the letter (63 FR 11655).

Over time, Oregon made incremental changes to its program in order to satisfy the identified conditions. As explained in the final findings document, however, the federal agencies find that Oregon has not yet submitted a fully approvable program to meet all conditions and that the federal agencies find that the State has failed to submit a program that is approvable under CZARA. The final findings document describes why Oregon's program has not yet satisfied one of the remaining conditions that relates to controlling adverse water quality impacts from forestry.

On December 20, 2013, NOAA and EPA announced their intent to find that Oregon has failed to submit an approvable coastal nonpoint program in the Federal Register and provided a 90-day public comment period on the proposed decision (78 FR 77104). The federal agencies also invited public comment on whether Oregon's program includes agricultural management measures necessary to achieve and maintain water quality standards as provided in CZARA section 6217(b)(3), 16 U.S.C. section 1455b(b)(3).

The federal agencies have not found that a state has failed to submit an approvable program under CZARA in the past. The final findings document, response to comments, public comments received, and other supporting information used to make this decision is available on the NOAA website at <http://coast.noaa.gov/czm/pollutioncontrol/>. Hard copies are available at: U.S. Environmental Protection Agency, Oregon Operations Office, 805 SW Broadway, Suite 500, Portland, Oregon, 97205, Tom Townsend, phone (503) 326-3250.

Dated: _____

Russell Callender, Ph.D.

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for Ocean Services,

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Environmental Protection

Agency

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AGENCY: National Oceanic and Atmospheric Administration, U.S. Department of Commerce, and the U.S. Environmental Protection Agency.

ACTION: Notice of Final Decision Finding that Oregon has Failed to Submit an Approvable Coastal Nonpoint Program.

Comment [CJ1]: Didn't we decide to avoid using the word "final" since the state will have other opportunities to submit an approvable program?

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) and the

U.S. Environmental Protection Agency (EPA) announce the federal agencies' final

Comment [CJ2]: See comment above.

decision finding that Oregon has failed to submit an approvable Coastal Nonpoint

Pollution Control Program. Prior to making this determination finding, NOAA and EPA

invited public input on the federal agencies' proposed decision and reasoning for such a

decision (See December 20, 2013, Federal Register Notice 78 FR 77104). The federal

agencies also announce their response to the comments received regarding the proposed

decision. The Coastal Zone Act Reauthorization Amendments (CZARA) directs states

and territories with coastal zone management programs previously approved under

Section 306 of the Coastal Zone Management Act to develop and implement coastal

nonpoint programs, which must be submitted to NOAA and EPA for approval. Now that the federal agencies have found that Oregon has failed to submit an approvable coastal nonpoint program, NOAA and EPA must withhold a portion of funding the agencies' award to the state under Section 306 of the Coastal Zone Management Act and Section 319 of the Clean Water Act, respectively.

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Over time, Oregon made incremental changes to its program in order to satisfy the identified conditions. As explained in the final findings document, however, the federal agencies find that ~~Oregon~~the State has not yet submitted a fully approvable program to meet all conditions and that the federal agencies find that ~~Oregon~~the State ~~the State~~ has failed to submit a program that is approvable under CZARA. The final findings document describes why ~~Oregon's~~the State program has not yet satisfied one of the remaining conditions that relates to controlling adverse water quality impacts from forestry.

On December 20, 2013, NOAA and EPA announced their intent to find that Oregon has failed to submit an approvable coastal nonpoint program in the Federal Register and provided a 90-day public comment period on the proposed decision (78 FR 77104). The federal agencies also invited public comment on whether ~~Oregon's~~the State program includes agricultural management measures necessary to achieve and maintain water quality standards as provided in CZARA ~~§§~~section 6217(b)(3), 16 U.S.C. section 1455b(b)(3).

~~The federal agencies have not, in the past,~~ found that a state has failed to submit an approvable program under CZARA in the past. The final findings document, response to comments, public comments received, and other supporting information used to make this decision is available on the NOAA website at

<http://coast.noaa.gov/czm/pollutioncontrol/>. Hard copies ~~are~~will be available at: U.S. Environmental Protection Agency, Oregon Operations Office, 805 SW Broadway, Suite 500, Portland, Oregon, 97205, Tom Townsend, phone (503) 326-3250.

Comment [CJ3]: I suggest we delete this sentence as explaining why Oregon is the first one would require a lengthy explanation.

Comment [AC4]: We stated this in the Dec. FRN w/out further explanation so I didn't see a problem with reiterating it here for consistency but if others feel otherwise, I'm find taking it out.

Dated: _____

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